

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Glenn Cowelchuk et al.

Serial No.: 10/821,058

Filed: April 8, 2004

For: TWO-SHOT POLYMERIC COMPONENT WITH ATTACHMENT FEATURE
AND METHOD OF PRODUCING SAME

Attorney Docket No.: IAC 04675 PUS

Group Art Unit: 1772

Examiner: William P. Watkins III

REPLY BRIEF UNDER 37 C.F.R. § 41.41

Mail Stop Appeal Brief - Patents
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Reply Brief in response to the Examiner's Answer mailed on 2 May 2007. Appellants maintain the arguments stated in the Appeal Brief, and further clarify some of these arguments below.

In Section 9, "Grounds of Rejection", the Examiner states that "[t]he instant invention claims wire harness fasteners and other attachment means attached to a trim panel by being molded with and connected to a skin layer on the opposite side of the panel substrate through an aperture." Appellants respectfully point out that only claims 2 and 9 recite an aperture in the first portion and substrate portion, respectively. None of the other claims recite such a limitation.

In Section 10, "Response to Argument", the Examiner discusses Appellants' position regarding Brozenick et al. and Schwarzwald et al. regarding an attachment head

being configured to attach two layers of a trim component to each other, rather than attaching a separate article to the trim component. The Examiner states that "Brozenick et al. does not explicitly disclose a configuration that allows further attachment...." Appellants agree. The Examiner then qualifies this statement by saying that "there is no explicit restriction on the shape of the mold attachment head (sections 0047 and 0048)." Appellants respectfully point out that merely lacking a restriction on a particular element or limitation of a claim, does not rise to the level of teaching or suggesting that element or limitation as expressly required for a finding of obviousness.

With regard to Schwarzwald et al., the Examiner states that "section 0082 explicitly teaches that the section molded portion which is on the opposite side of the substrate from the first layer or skin portion, may be formed into a wire harness organizer, which is a form of attachment means for a wire." To this, Appellants respond by pointing out that independent claims 1 and 8 of the present application both recite a two-shot injection molded component, which is structurally different from the extruded component described in Schwarzwald et al. For example, the technique of extruding a component, letting it cool, heating a particular zone of the component, and then forcing that material into a die, generally results in a hollow component, as illustrated in Figures 1, 3, 5, 6, 13, 14, 16, 18, 20 and 21 of Schwarzwald et al. No such structural limitation is imposed by the injection molded apparatus claimed in the present application.

Figures 25-27 of Schwarzwald et al., along with the accompanying description in Paragraphs 0108-0110 illustrate and describe a process by which yet another material is added to the heated zone of the extruded component so that the combined materials take the shape of the receiving die. Claim 1 of the present application recites a second injection molded portion that is formed such that at least some of it is disposed adjacent first and second sides of a first portion of the injection molded component. Claim 1 further recites that the second portion includes an attachment feature "integrally molded therewith." Although claim 1 does

not preclude the addition of other materials and other elements, the second portion itself is described by the aforementioned limitations—i.e., the second portion resides on both sides of the first portion, and the second portion includes an integrally molded attachment feature.

In contrast, the embodiments illustrated in Schwarzwald et al. in Figures 25-27, and described in the specification, do not teach or suggest these limitations. For example, Figures 26 and 27 clearly show that the attachment feature formed of the combination of the extrusion and the additional material 40 resides on only one side of the material 105. With regard to the embodiment shown in Figure 25, there is nothing in the illustration or the description to teach or suggest that the attachment feature formed by the combination of materials will reside on both sides of the material 105. Even if, however, it did teach this limitation, it would still not teach or suggest an injection molded second portion which, even without materials that may be added later, "includ[es] an attachment feature integrally molded therewith."

The Examiner restates Appellants' argument "that Springer does not deal with attaching resin to a substrate." In fact, in the Appeal Brief at page 5, first full paragraph, Appellants merely dispute the Examiner's contention that "Springer and the secondary references deal with the common problem of joining resin to a substrate." Just mentioning that a trim panel can include fibers that are capable of mechanically bonding to a melted thermoplastic resin, as described in Springer at Paragraphs 0038-0039, is not the same as addressing a problem and describing a solution to it. Appellants have never contended that composite materials are new, or that Springer contains no mention of a resin being bonded to a fibrous material. Rather, Appellants contend that the problem addressed by Springer—i.e., the one that the Springer invention is supposed to solve—is how to provide a panel having components attached to it, when the components and panel are made from separate materials—see, e.g., Springer at Paragraph 0015. It is, at least in part, because Springer is concerned with a completely different problem than the ones addressed in Brozenick et al. and

Schwarzwalder et al. that Appellants maintain that there is no teaching, suggestion, motivation, or any other reason to combine these references.

The Examiner states that "Appellant merely argues that [the] dependent claims rise and fall for the same reasons argued for claim 1 in the Brief." This misstates Appellants' position. On page 8, first full paragraph, of the Appeal Brief, Appellants point out that dependent claims 2-7 not only contain all of the limitations of their base claim—i.e., claim 1—but also have "additional limitations that further distinguish [them] from the cited combination of references." Appellants have made specific reference to the further distinguishing features of the dependent claims, and it is not Appellants' position that they rise and fall with their base claim. For example, claim 3 recites that "the first portion includes an edge adjacent the first and second sides, and [that] the second portion traverses the edge, thereby allowing at least some of the second portion to be disposed adjacent the first side and at least some of the second portion to be disposed adjacent the second side." Figure 7 in Brozenick et al. illustrates an article having a thermoplastic sheet 11 wrapped around an outside edge of a support 20. There is, however, no teaching or even suggestion that this wrapped-edge configuration could include an attachment feature integrally molded therewith, as expressly recited in claim 1, and included in claim 3, of the present application.

In the Appeal Brief, Appellants have argued that modifying the panel described in Springer by combining it with Schwarzwalder et al. and Brozenick et al., either individually or together, would render the Springer panel unsatisfactory for its intended use. The Examiner refutes this, stating that "Brozenick et al. explicitly teaches steps to be taken to mitigate this potential problem in section 0053." First, this does not address the use of Schwarzwalder et al. in the combination, only Brozenick et al. Moreover, with regard to Brozenick et al., Appellants point out that the mitigating embodiment described in Paragraph 0053, and illustrated in Figure 2, requires the use of an additional thermoplastic sheet to cover the dimple 41. Appellants maintain that use of such a mitigating technique still renders Springer

unsatisfactory for its intended use, since the side of the panel in Springer over which the second thermoplastic 50 would need to be placed, is an "A-surface (the show or front surface) of a panel"—see Springer at Paragraph 0021. In addition to the undesirable extra cost of material and labor, adding the additional panel as illustrated in Figure 2 of Brozenick et al. would cover the show surface of the panel described in Springer—i.e., the very surface that the Springer invention tries to maintain intact and visible to a vehicle occupant.

For the reasons given in the Appeal Brief and in this Reply Brief, Appellants maintain that the invention is patentable.

Please charge any fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,
Glenn Cowelchuk et al.

By: /Marc F. Malooley/
Marc F. Malooley
Registration No. 50,624
Attorney/Agent for Applicant

Date: June 28, 2007

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351